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6                   **IN THE UNITED STATES DISTRICT COURT**  
7                   **FOR THE DISTRICT OF ARIZONA**

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9                   Rick Valentini,  
10                  Plaintiff,  
11                  v.  
12                  David Shinn, et al.,  
13                  Defendants.

14                   No. CV-22-01612-PHX-MTL

**ORDER**

15                 Pending before the Court is the Report and Recommendation (“R&R”) (Doc. 57)  
16 from Magistrate Judge Deborah M. Fine, recommending the claim against Defendant  
17 Bomboy, and hence this action, be dismissed without prejudice for failure to serve pursuant  
18 to Fed. R. Civ. P. 4(m).

19                 Plaintiff was given fourteen days from the date of service of the R&R to file specific  
20 written objections with the Court.\* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). No  
21 objections have been received. Therefore, the Court will accept and adopt the R&R. *See*  
22 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (finding that district courts are not required to  
23 conduct “any review at all . . . of any issue that is not the subject of an objection”; *see also*

24                 \* On October 23, 2024, the Court was informed Plaintiff Rick Valentini was moved to a  
25 different unit in the Arizona State Prison Complex. (Doc. 58.) The Court’s docket indicates  
26 that a copy of the R&R was sent Plaintiff’s new address on October 24, 2024. The timeline  
27 for Plaintiff to respond, therefore, began on that date and ran on November 7, 2024.  
28 Moreover, Rule 83.3(d) of the Local Rules of Civil Procedure states “an unrepresented  
party who is incarcerated must submit a notice within seven (7) days after the effective  
date of the change.” Plaintiff never complied with this rule, despite being specifically  
warned on October 24, 2024, about the requirement (Doc. 58) and being obviously aware  
of its existence since he had filed numerous notices during this litigation (Docs. 11, 17, 20,  
22, 26, 36, 44.)

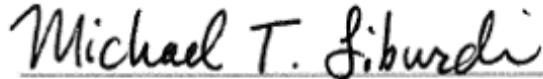
1       *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc) (explaining  
2       the “statute makes it clear that the district judge must review the magistrate judge’s findings  
3       and recommendations *de novo if objection is made, but not otherwise*”) (emphasis in  
4       original).

5              Accordingly,

6       **IT IS ORDERED** that the Report and Recommendation (Doc. 57) is accepted.  
7       Plaintiff’s Second Amended Complaint (Doc. 19) is dismissed without prejudice.

8       **IT IS FURTHER ORDERED** that the Clerk of Court shall enter a judgment of  
9       dismissal and close this case.

10      Dated this 18th day of December, 2024.

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13                          Michael T. Liburdi  
14                          United States District Judge  
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